

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The claims have been revised to define the invention with additional clarity. The claims as presented are fully enabled.

The Examiner's objection to claim 14 is moot in view of the above-noted revision of that claim.

Claims 35 and 37 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. The rejection is traversed.

In rejecting the claims as non-enabled, the Examiner contends that the process to generate the strains (Z0123, Z0124 and Z0126) that is disclosed in the subject specification does not appear to be repeatable "because there is no clear indication of the complete genetic background of the strains".

At the outset, claim 37 does not make reference to Z0123, Z0124 or Z0126 and thus basis for its inclusion in the rejection is not seen. If the Examiner intended claim 38 (which depends from claim 35), he is respectfully requested to clarify the record in that regard.

As regards claim 35, the Examiner's attention is directed to the fact that the application includes descriptions of the strains in addition to that provided Table 1 (which describes Z0124 as a *pkc:: LEU2* strain – see also page 25, paragraph 1.1.10). For

example, page 26, first full paragraph, includes a description of Z0126 (see also page 30, first full paragraph) and page 33, paragraph 2.1.5, describes the construction of Z0123.

These descriptive portions, taken in combination with the information provided in Table 1, are submitted to be sufficient. Accordingly, the Examiner is respectfully requested to clarify the basis for his concern or withdraw the rejection.

Claims 6-8 and 35 are rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above claim revisions. Reconsideration is requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100